

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO NUNO URENDA,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-1410 DJC AC P

ORDER

Petitioner is a federal prisoner proceeding pro se on a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By findings and recommendations filed October 17, 2023, the undersigned recommended that this action be dismissed due to petitioner's failure to file a completed in forma pauperis application or pay the filing fee. ECF No. 7. Petitioner has now filed objections stating that he has submitted a withdrawal request to the prison, but the prison has yet to withdraw the requested funds. Id. He has also spoken to family members who told him the filing fee had been sent to the court. Id. In light of petitioner's representation that he has been attempting to pay the filing fee, the findings and recommendations will be withdrawn, and petitioner shall be provided additional time to pay the filing fee or submit an in forma pauperis application.

Petitioner is advised that as of November 3, 2023, the court has no record of having received funds for the filing fee in this case. The check for payment should be made out to

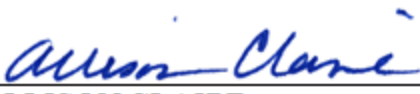
1 “Clerk, USDC” and mailed to 501 I Street, #4-200, Sacramento, CA 95814. The check, or a note
2 accompanying the check, should state that it is for the filing fee in Nuno Urenda v. Warden, 2:23-
3 cv-1410 DJC AC.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The October 17, 2023 findings and recommendations (ECF No. 7) are
6 WITHDRAWN; and

7 2. Petitioner shall have thirty days from the service of this order to submit an in forma
8 pauperis application or pay the filing fee. Failure to comply will result in a recommendation that
9 this action be dismissed without prejudice.

10 DATED: November 3, 2023

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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